

1 IN THE PASCUA YAQUI TRIBAL COURT

2 IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

3 PASCUA YAQUI TRIBE
Plaintiff

4 VS.

Miranda Beatrice

5 Defendant

NO. CR-08-119

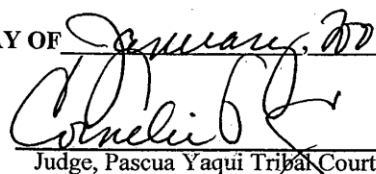
INITIAL HEARING ORDER

6 In compliance with 3 PYT R. Crim.P. Rule 16 of the Pascua Yaqui Court and Rules of
7 Court, defendant appeared before this Court on January 26, 2008 for the Initial hearing.8 Present were: Sonia Laventure for the Tribe; the defendant without legal counsel and
9 in custody.10 THE COURT FINDS: that probable cause exists to believe defendant may have
11 committed the offenses of Aggravated Assault, Aggravated Assault, Endangerment,
12 Endangerment, Threatening Or Intimidating, Threatening Or Intimidating, Disorderly Conduct
13 ad Disorderly Conduct; that the Arraignment hearing will be scheduled; that the Tribe makes
14 release recommendations which include bond of \$2,000.00 as the defendant has a history of
15 failures to appear, failures to comply, in that these charges are of a serious nature and that the
16 defendant poses a risk to herself and the community; that the defendant has no objections; that
17 the Court will impose bond of \$1,500.00 given the above stated grounds.

18 IT IS ORDERED:

19 X Defendant shall be released upon posting bond of \$ 1,500.0020 - Defendant shall be held without bond21 - Defendant shall be released on his/her own recognizance22 - Defendant shall be released to the custody of
23 who shall be responsible for defendant's appearance at further hearings.24 - Defendant will be notified of the Arraignment date.25 X ARRAIGNMENT hearing is scheduled for MONDAY, FEBRUARY 4, 2008
26 AT 1:30 P.M..

27 THIS IS THE ONLY NOTICE OF HEARINGS YOU WILL RECEIVE

28 X Other: the bond shall be posted prior to release and the defendant is restrained
from any contact with minor victim and with Bridgette Valenzuela, shall not possess any
weapons, shall obey all laws and appear for all hearings and in the event that the bond is
not posted, Transport Order shall issue and defendant shall be transported to the hearing
from CADIC or from any other detention facility housing the defendant.SO ORDERED THIS 26th DAY OF January, 2008.
Judge, Pascua Yaqui Tribal CourtDate: 01-26-08Tribe Defendant/Counsel Probation Detention Other
Clerk

IN THE PASCUA YAQUI TRIBAL COURT
IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

PASCUA YAQUI TRIBE
Plaintiff

VS.
Miranda Beatrice
Defendant

No. CR-08-119

ORDER

On this 4th day of February, 2008 the defendant appeared before this Court for the Arraignment hearing without legal counsel and in custody. Allen Osburn appeared for the Tribe.

The Court finds that the defendant after being advised of her rights enters guilty pleas to the eight charges and does so of her own free will and with full knowledge of the rights waived and of the consequences; that the Court does not accept the defendant's guilty pleas as factual basis cannot be established based on the defendant's statements; that the Court will set the Pre-trial hearing; that the Tribe recommends that the same conditions of release apply and defendant has no objections.

Count One/A: Aggravated Assault Plea: guilty/not guilty

Count Two/B: Aggravated Assault Plea: guilty/not guilty

Count Three/C: Endangerment Plea: guilty/not guilty

Count Four/D: Endangerment Plea: guilty/not guilty

Count Five/E: Threatening Or Intimidating Plea: guilty/not guilty

Count Six/F: Threatening Or Intimidating Plea: guilty/not guilty

Count Seven/G: Disorderly Conduct Plea: guilty/not guilty

Count Eight/H: Disorderly Conduct Plea: guilty/not guilty

IT IS ORDERED THAT, the Court does not accept the defendant's guilty pleas and the defendant pending the Pre-trial hearing the defendant shall post bond of \$1,500.00 prior to release and the defendant is restrained from any contact with the minor victim, is restrained from Bridgette Valenzuela, shall not possess any weapons, shall obey all laws and appear for all hearings and the defendant shall appear before this Court on WEDNESDAY, MARCH 12, 2008 AT 9:30 A.M. for the Pre-trial hearing and in the event that the bond is not posted, Transport Order shall issue and the defendant shall be transported to the hearing from CADC or from any other detention facility housing the defendant.

THIS IS THE ONLY NOTICE OF HEARING YOU WILL RECEIVE.

SO ORDERED THIS 4th DAY OF February, 2008.

Cornelia S. [Signature]
JUDGE, PASCUA YAQUI TRIBAL COURT

cc:

Date: 02/04/08

X Tribe X Defendant X PYT Detention/CADC

Clerk: Rg

IN THE PASCUA YAQUI TRIBAL COURT
IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

PASCUA YAQUI TRIBE)		
Plaintiff)		
Vs.)	NO. <u>CR-08-119</u>	
Miranda Beatrice)		
Defendant)	ORDER	
_____)		

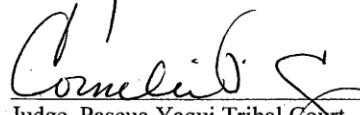
The above named defendant filed a written statement with the Court requesting to withdraw from the plea agreement entered in the above matter and that the defendant further requests to have her hearing moved to an earlier date and time.

The Court finds that, good cause is shown to grant the defendant's request to withdraw from the plea agreement and that the Court at this time cannot grant the defendant's request for an earlier hearing date and time given Court's calendar/schedule.

IT IS ORDERED THAT, the defendant's request to withdraw from the plea agreement is granted and the plea agreement is hereby vacated and the defendant shall appear before this Court on **MONDAY, APRIL 21, 2008 AT 10:00 A.M.** for the trial hearing. *yes*

THIS IS THE ONLY NOTICE OF HEARING YOU WILL RECEIVE.

SO ORDERED THIS 26th DAY OF March, 2008.


Judge, Pascua Yaqui Tribal Court

Cc: _____
Date: 03-26-08
☒ Tribe ☒ Defendant/Counsel ☐ Probation ☐ Detention ☐ Other

Clerk

IN THE PASCUA YAQUI TRIBAL COURT

IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

PASCUA YAQUI TRIBE)
 Plaintiff)
 Vs.)
 Miranda Beatrice)
 Defendant)

NO. CR-08-119

ORDER

The above matter came before this Court for Trial hearing on this 21st day of April, 2008. Allen Osburn appeared for the Tribe; that defendant appeared in custody and without legal counsel.

The Court finds that, after hearing sworn testimony from the Tribe's witnesses and reviewing the evidence that the Tribe has proven beyond a reasonable doubt that the defendant committed the offenses charged as the testimony clearly showed that the defendant did assault the victims with a knife which was found on her person, that the defendant endangered the victims by waving the knife towards them while at a close distance, that the defendant did threaten to kill them and that the defendant did behave in a disruptive behavior by yelling profanities and in trying to provoke a fight; that the defendant states there are no reasons as to why sentence should not be imposed today; that the Tribe moves the Court for a separate sentencing hearing and moves the Court to order a Pre-Sentence Investigation; that it appears to the Court the Tribe is not ready to proceed with the sentencing hearing and the Court will set the sentencing hearing, will order the Pre-Sentence Investigation and same conditions of release will be imposed.

IT IS ORDERED THAT, the defendant is found guilty of the eight charges and the defendant shall post bond of \$1,500.00 prior to release, is restrained from any contact with Bridgette Valenzuela and the minor M.V., shall not possess any weapons, shall obey all laws and appear for all hearings and the Office of Probation and Parole shall conduct a Pre-Sentence Investigation and shall submit the Pre-sentence Report on or by **May 15, 2008** and the defendant shall appear before this Court on **MONDAY, MAY 19, 2008 AT 10:30 A.M.** for the Sentencing hearing and in the event that the bond is not posted, Transport Order shall issue and the defendant shall be transported to the hearing from the McKinley Detention Facility or from any other detention facility housing the defendant.

THIS IS THE ONLY NOTICE OF HEARING YOU WILL RECEIVE.

SO ORDERED THIS 21st DAY OF April, 2008.

Cornelia S.
 Judge, Pascua Yaqui Tribal Court

Date: 04/21/08

X Tribe X Defendant X Probation X Detention

Clerk: Rg

PASCUA YAQUI TRIBE
OFFICE of PROBATION & PAROLE

PASCUA YAQUI TRIBAL COURT
FILED DATE AND TIME

08 MAY 16 AM 8:12

DOCKET NO. _____

CLERK _____

Pascua Yaqui Tribe,

Plaintiff,

vs.

MIRANDA, Beatrice

Defendant

) Docket No.: CR-08-119

) **PRE-SENTENCE INVESTIGATION**
) **REPORT**

PERSONAL DATA

Name: Beatrice Miranda

Ethnic: Native American

Ht: 5'2"

Address: 7511 S. Osay Bo-oh

Gender: Female

Wt: 145

City, State, Zip: Tucson, AZ 85757

Eyes: Brown

Hair: Black

Phone: (520) 481-5886 Message: None

DOB: 08/06/1974

Age: 33

AKA: None

Citizen of: United States

ID Marks: None

Birthplace: Unknown

Employer: None

Military History: None

Address: N/A

Branch: N/A

City, State, Zip: N/A

Entry Date: N/A

Occupation: N/A

Discharge Date/Type: N/A

Marital: No

Children: 3

Education: Yes



1 **PRESENT SITUATION**

2 On April 21, 2008 the defendant was found guilty of two counts of Aggravated Assault,
3 two counts of Endangerment, two counts of Threatening or Intimidating, and two counts of
4 Disorderly Conduct.

5 The Court, on the motion of the Tribe, ordered a Pre-Sentence Investigation to be
6 conducted by the Office of Probation & Parole to be completed no later than May 15, 2008.
7 Sentencing for the defendant is scheduled for Monday, May 19, 2008 at 10:30 A.M.
8

9 **CRIMINAL HISTORY**

10 A criminal record search was conducted using the NCIC Database System and found that
11 the defendant did not have a criminal history within that database.

12 A similar search was conducted with the Pascua Yaqui Tribe's Office of Probation &
13 Parole and the Pascua Yaqui Tribe's Office of the Prosecutor and the following was found.

14 Prior Criminal History

15 CR-05-278 - Trespass

16 CR-06-170 - Possession of Drug Paraphernalia (three counts)

17 CR-06-301 - Liquor Violation

18 CR-06-360 – Resisting a Lawful Arrest

19 CR-07-064 – Domestic Violence Disorderly Conduct

20 In several cases the defendant was ordered placed on supervised probation. Defendant
21 failed to comply with conditions of probation and defendant's supervised probation was revoked
22 and ordered to serve her suspended detention days.
23
24
25

1 **VICTIM IMPACT STATEMENT**

2 I spoke to both victims in this case. Each of them stated on the night of the incident they
3 felt the defendant was threatening both verbally and physically. Both stated the defendant made
4 verbal threats while brandishing a knife. Both also stated that they feared for the lives and could
5 not understand why the defendant would threaten them. None of the victims had ever seen or
6 encountered the defendant before the night of the incident.

7 Questions were asked from the victims, such as, Why would the defendant do this to
8 them? Why (if released) would the court allow her to be released from detention? What can be
9 done (by victims) to ensure their safety? After asking these questions, the victims, requested to
10 be heard at the disposition hearing set for May 19, 2008. I informed the victims that this is an
11 opportunity to make a statement to me in regards to any recommendations they have have. Both
12 victims stated they continue to be mentally bothered by the defendant's actions on the night of
13 the incident. Both requested that the defendant be sentenced to jail time.

14
15 **DEFENDANT'S STATEMENT**

16 On several occasions I had phoned Cpt. Green of the McKinley County Detention
17 Facility. I informed Cpt. Green of my intentions to obtain a statement by phone from the
18 defendant in regards to this case. Cpt. Green informed me that he would return my call to arrange
19 a date and time to speak with the defendant by phone.

20 Cpt. Green has yet to return my call. Therefore I have not been able to obtain a statement
21 from the defendant.
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1 **SENTENCING CONSIDERATIONS**

2 On several occasions this court has given the defendant an opportunity to comply with
3 supervised probation. During the defendant's probationary periods she has failed to comply with
4 her conditions of probation. The defendant has violated several probation conditions while on
5 probation. Has also had several "Ordered to Show Cause" hearings for failing to be present at
6 court hearings. This also resulted in the defendant being placed on warrant status in several
7 matters.

8 It is also important to note that the defendant is currently awaiting disposition for her failure to
9 comply with yet another supervised probation matter.

10 With the defendant's extensive criminal history with this jurisdiction and the above taken
11 into consideration. This officer feels the defendant would not comply with future conditions of
12 probation. This officer recommends the following.

14 RECOMMENDATION(S)	DISPOSITION
15 Count 1: Aggravated Assault	365 days detention to be served immediately
16 Count 2: Aggravated Assault	365 days detention to be served immediately
17 Count 3: Endangerment	60 days detention to be served immediately
18 Count 4: Endangerment	60 days detention to be served immediately
19 Count 5: Threatening or Intimidating	90 days detention to be served immediately
20 Count 6: Threatening or Intimidating	90 days detention to be served immediately
21 Count 7: Disorderly Conduct	30 days detention to be served immediately
22 Count 8: Disorderly Conduct	30 days detention to be served immediately

1 Counts 1, and 2, are to be served immediately for a total of 730 days in detention.

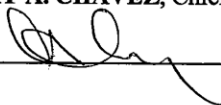
2 Count 5, and 6, is to be served immediately consecutive to counts 1 and 2 for a total of 180 days
3 in detention.

4 Count 3, 4, 7, and 8, are to be served concurrently with counts 1, 2, 5, and 6, for a total of 910
5 days in detention.

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7 Dated this 15th day of May 2008

8 Respectfully submitted,

9 **GARY A. CHAVEZ**, Chief Probation Officer

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IN THE PASCUA YAQUI TRIBAL COURT

IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

PASCUA YAQUI TRIBE)

Plaintiff)

VS.)

No. CR-08-119

Miranda Beatrice)

Defendant)

ORDER

The above matter came before the Court for Sentencing hearing on this 19th day of May, 2008. Chief Probation Officer Gary Chavez appeared for the Probation department; Allen Osburn appeared for the Tribe; the defendant appeared without legal counsel.

The Court finds that, the Pre-Sentence Report has been filed by the Probation Officer; that the sentencing recommendations are presented to the Court; that the Tribe concurs with the sentencing recommendations; that the defendant moves the Court to reduce the jail days and moves the Court for credit for time served; that the Probation Officer and the Tribe object to the reduction of the jail days as the defendant has a substantial history of failures to comply, failures to appear, has been given numerous chances by the Probation department, that these charges involved a weapon and affected the victims who continue to be fearful for their lives, and that the defendant continues to committed offenses even after she has been given these changes; that the Probation Officer and the Tribe have no objections to the defendant receiving credit for time served; that the Tribe informs the Court that the defendant should be credited with 114 days; that the Court will impose sentence as recommended given the defendant's substantial history in this jurisdiction.

IT IS ORDERED THAT, sentence is entered as follows: in **Count One-Aggravated Assault**, 365 days to be served immediately and in **Count Two-Aggravated Assault**, 365 days in jail to be served immediately and in **Count Three-Endangerment**, 60 days in jail to be served immediately and in **Count Four**, 60 days in jail to be served immediately and in **Count Five-Threatening Or Intimidating**, 90 days in jail to be served immediately and in **Count Six-Threatening Or Intimidating**, 90 days in jail to be served immediately and in **Count Seven-Disorderly Conduct**, 30 days in jail to be served immediately and in **Count Eight-Disorderly Conduct**, 30 days in jail to be served immediately and the jail days imposed in Counts One and Two shall be served consecutive to each other for a total of 730 days in jail and the jail days in Counts 5 and 6 shall be served consecutive to Counts One and Two for an additional 180 days and the jail days imposed in Counts 3,4,7 and 8 shall run concurrent to the jail days imposed in Counts 1,2,5 and 6 for a total of 910 days and defendant is credited with time served of 114 and shall serve the balance of 796 in jail immediately and defendant is restrained for any contact with Bridgette Valenzuela and the minor M.V., for a period of two years after release to terminate on **July 24, 2012** and the defendant shall not possess any weapons for a period of two years after release to terminate on **July 24, 2012** and the defendant shall be released from custody on **JULY 24, 2010 AT 12:00 NOON**.

SO ORDERED THIS 19th DAY OF May, 2008.

Council S
Judge, Pascua Yaqui Tribal Court

Cc: OS 19/08

Date

Tribe

Defendant/Counsel

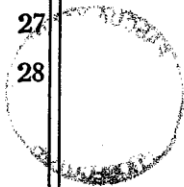
Probation

Detention

Other

Clerk

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IN THE PASCUA YAQUI TRIBAL COURT

IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

PASCUA YAQUI TRIBE)
 Plaintiff)

NO. CR-07-064

VS.)
 Miranda Beatrice)
 Defendant)

ORDER

The Disposition hearing on the Motion To Revoke Probation was held on May 19, 2008.

Present were: Chief Probation Officer Gary Chavez; Allen Osburn for the Tribe; the defendant appeared without legal counsel and in custody.

The Court finds that, the Probation Officer with the Tribe concurring recommend that the 30 suspended days be imposed and be served concurrent to the sentence imposed in CR-08-119; that the defendant has no objections; that the recommended disposition will be imposed.

IT IS ORDERED THAT, the defendant's probation term is hereby **revoked** and the 30 suspended days are hereby imposed and defendant shall serve the 30 days concurrent to the jail days imposed in CR-08-119 setting a release date of June 18, 2008 in this matter, however, the defendant **shall not** be released as she is currently serving the imposed sentence in CR-08-119 in which defendant is scheduled for release on **JULY 24, 2010 AT 12:00 NOON**.

SO ORDERED THIS 19th DAY OF May, 2008.

Cornelia G.
 Judge, Pascua Yaqui Tribal Court

Date: 05-19-08

Cc: ☒ Tribe ☐ Defendant/Counsel ☒ Probation ☐ Detention ☐ Other

[Signature]
 Clerk